

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

(1) STATE OF OKLAHOMA  
ex rel. E. Scott Pruitt,  
in his official capacity as Attorney  
General of Oklahoma,  
and

(2) OKLAHOMA  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY,

Plaintiffs,

v.

(1) GINA MCCARTHY, in her  
official capacity as Administrator  
of the U.S. Environmental  
Protection Agency,  
and

(2) U.S. ENVIRONMENTAL  
PROTECTION AGENCY,  
Defendants.

Case No. 15-CV-369-CVE-FHM

**Plaintiffs' Motion for a Preliminary Injunction**

Pursuant to Federal Rule of Civil Procedure 65, Plaintiffs State of Oklahoma and Oklahoma Department of Environmental Quality respectfully move the Court for entry of an order preliminarily enjoining Defendants from regulating electric utility generating units under Section 111(d) of the Clean Air Act, 42 U.S.C. § 7411(d), and from taking any action in furtherance of or to enforce such regulation.

As shown in the accompanying brief in support of this motion, Plaintiffs are likely to succeed on the merits of their claim that Defendants' actions to regulate greenhouse gas emissions from existing electric utility generating units pursuant to Section 111(d) are plainly

unlawful; that Defendants' conduct is presently causing substantial irreparable injury to the State of Oklahoma's sovereign, quasi-sovereign, fiscal, economic, and other interests; that an injunction will not harm Defendants; and that the public interest strongly favors injunctive relief.

For those reasons, Plaintiffs respectfully request that the Court enter the requested preliminary injunction.

Dated: July 1, 2015

Respectfully submitted,

DAVID B. RIVKIN, JR.\*  
LEE A. CASEY\*  
MARK W. DELAQUIL\*  
ELIZABETH PRICE FOLEY\*  
ANDREW M. GROSSMAN\*  
Baker & Hostetler LLP  
Washington Square, Suite 1100  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20002  
(202) 861-1731  
drivkin@bakerlaw.com

\*Application for admission *pro hac vice*  
pending

/s/ E. Scott Pruitt  
E. SCOTT PRUITT, OBA #15828  
ATTORNEY GENERAL OF OKLAHOMA  
PATRICK R. WYRICK, OBA #21874  
SOLICITOR GENERAL  
313 NE 21st Street  
Oklahoma City, OK 73105  
(405) 521-4396  
(405) 522-0669 (facsimile)  
Service email: fc.docket@oag.state.ok.us  
Scott.Pruitt@oag.ok.gov

**Certificate of Service**

I hereby certify that on July 2, 2015, I caused the attached motion for a preliminary injunction and brief in support thereof to be served by hand on the following:

Loretta E. Lynch  
United States Attorney General  
United States Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20530-0001  
202-514-2000

Danny C. Williams  
United States Attorney  
Northern District of Oklahoma  
110 W. 7th St., Ste. 300  
Tulsa, OK 74119  
918-382-2700

Gina McCarthy  
Administrator  
United States Environmental Protection Agency  
1200 Penn. Ave. NW, Mail Code 1105A  
Washington, D.C. 20004  
202-564-7317

Courtesy copies were also sent by certified mail.

/s/ Patrick Wyrick